

MA DC

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 07-2644
DC No. 05-cv-11289

DEREK SINCERE BLACK WOLF CRYER
Plaintiff - Appellant

v.

KATHLEEN DENNEHY; MICHAEL THOMPSON; CAROL MICI; GREG
MCGANN; TINA RANNO; MAE ROBINSON; GREG POLADIAN; TOM
LAVELLE; WILLIAM TAYLOR
Defendants - Appellees

ORDER OF COURT
Entered: January 22, 2008
Pursuant to 1st Cir. R. 27.0(d)

The appellant listed above is a prisoner seeking to appeal in forma pauperis and has applied to proceed without prepayment of the \$455 filing fee under the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(a)(2). Appellant has completed and filed a consent form permitting appropriate prison officials to calculate and collect in installments the \$455 filing fee from appellant's prison trust account in accordance with the terms of 28 U.S.C. §1915(b)(1) and (2).

1. Pursuant to the consent form signed by the appellant, the custodian of this appellant's inmate trust account is directed to **calculate, collect and forward to the Clerk of the United States District Court for the District of Massachusetts**, as payment for the initial partial filing fee under 28 U.S.C. §1915(b)(1), 20% of the greater of:

- (a) the average monthly deposits to the inmate trust account; or
- (b) the average monthly balance in the inmate trust account, for the 6 months immediately preceding the filing of the notice of appeal on **October 5, 2007**. That sum should be deducted from appellant's prison account until the initial partial filing fee is paid.

2. After the initial partial filing fee is paid in full, pursuant to 28 U.S.C. §1915(b)(2) and the consent form executed by appellant, appellant's custodian is directed to calculate and remit each succeeding month on a continuing basis 20% of the preceding month's income credited to appellant's account, but only when the amount in the account exceeds \$10, until the full \$455 filing fee is paid. **Each payment shall reference the docket number of this appeal and the district court docket number and be paid to the district court.**

3. Appellant's custodian shall notify this court and the Clerk of the United States District Court if the appellant is transferred to another institution or released.

4. A copy of this order shall be sent to appellant's custodian and to the Clerk of the United States District Court for the District of **Massachusetts**. A copy of appellant's authorization shall be sent to the custodian.

By the Court:

Richard Cushing Donovan, Clerk

By: _____
Chief Deputy Clerk

[Certified copy to Sarah Thornton, Clerk of MA,
Accounting Division SBCC,
cc: Messrs. Wolf, McFarland]

CERTIFIED COPY
I HEREBY CERTIFY THIS DOCUMENT
IS A TRUE AND CORRECT COPY OF
THE ORIGINAL IN MY OFFICE
AND IS IN MY CUSTODY.

CLERK OF APPEALS

MASSACHUSETTS

D. Buckner Date: 1/22/08